

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

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ABBOTT GMBH & CO., KG, )  
ABBOTT BIORESEARCH CENTER, INC. )  
AND ABBOTT BIOTECHNOLOGY LTD., )  
 )  
Plaintiffs, )  
 )  
v. ) Civil Action No. 4:09-cv-11340-FDS  
 )  
CENTOCOR ORTHO BIOTECH, INC. AND )  
CENTOCOR BIOLOGICS, LLC., )  
 )  
Defendants. )  
 )  
\_\_\_\_\_

**DECLARATION OF ROBERT J. GUNTHER, JR. IN SUPPORT OF  
ABBOTT'S REBUTTAL CLAIM CONSTRUCTION BRIEF  
REGARDING THE TERM "HUMAN ANTIBODY"**

I, Robert J. Gunther, Jr., declare as follows:

1. I am a partner at Wilmer Cutler Pickering Hale and Dorr LLP, 399 Park Avenue, New York, New York, and counsel for Plaintiffs Abbott GmbH & Co., KG, Abbott Bioresearch Center, Inc., and Abbott Biotechnology Ltd. (collectively "Abbott") in the above-captioned matter. I submit this declaration in support of Abbott's Rebuttal Claim Construction Brief Regarding the Term "Human Antibody."
2. Attached hereto as Exhibit 22 is a true and accurate copy of excerpts from [Centocor's] Opening Claim Construction Brief, dated November 12, 2008, in the matter *Centocor, Inc., et al. v. Abbott Laboratories, et al.*, Civil Action No. 2:07CV139 (**FILED UNDER SEAL**).

3. Attached hereto as Exhibit 23 is a true and accurate copy of excerpts from the Amendment and Response to Office Action, dated Dec. 4, 2007.
4. Attached hereto as Exhibit 24 is a true and accurate copy of excerpts of sequences from the Vbase database, at <http://vbase.mrc-cpe.cam.ac.uk/list2.php>.
5. Attached hereto as Exhibit 25 is a true and accurate copy of excerpts from the transcript of the deposition of Michael White, dated January 28, 2011, in the above-referenced matter (***FILED UNDER SEAL***).

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on April 12, 2011 in Frankfurt, Germany.

/s/ Robert J. Gunther, Jr.  
Robert J. Gunther, Jr.

**CERTIFICATE OF SERVICE**

I certify that, on April 12, 2011, this document (filed through the ECF system) will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

/s/ Robert J. Gunther, Jr.